

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

Nooksack Branch
Nooksack, Washington 98276
(City of Nooksack, Petitioner)

Docket No. A2011-17

**RESPONSE OF UNITED STATES POSTAL SERVICE IN OPPOSITION TO
PETITIONER'S MOTION FOR LEAVE TO SUPPLEMENT THE RECORD**
(August 15, 2011)

On August 8, 2011, Petitioner filed a motion for leave to supplement the record (the "Motion").¹ The Postal Service opposes the Motion because the supplemental information submitted by Petitioner falls outside the scope of information that may be considered by the Commission under 39 U.S.C. § 404(d), and was not considered by the Postal Service when it made the decision to suspend operations at the Nooksack Branch. In addition, the supplemental information submitted by Petitioner is misleading and does not reflect an accurate portrayal of the postal services provided to the Nooksack community.

In its earlier pleadings, the Postal Service explained its position that the Commission does not have jurisdiction to hear this appeal under 39 U.S.C. § 404(d) because the Nooksack Branch is not a Post Office, and it has not been the subject of a discontinuance. See, e.g., Motion of United States Postal Service to Dismiss Proceedings, PRC Docket No. A2011-17 (May 31, 2011). But if the Commission asserts jurisdiction over this as a discontinuance matter, it must deny the Motion. In addition, the affidavit submitted with the Motion is

¹ Motion of Petitioner, City of Nooksack, For Leave to Supplement the Record, PRC Docket No. A2011-17 (August 8, 2011).

misleading and reflects an inaccurate portrayal of the postal services provided to the Nooksack community. Should it prove necessary, the Postal Service can address the affidavit's content.

For the reasons set forth above, the Motion should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
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